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09/944,922	08/31/2001	Joseph B. Fuller	29409/01	2250

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EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,922

Applicant(s)

FULLER, JOSEPH B.

Examiner

Alicia M Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, and 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cartier.

3. In regards to claims 1, 2, and 4, Cartier discloses a trimmer comprising:

A base (head of trimmer 12);

A motor (unnumbered) attached to the base wherein the motor is attached to and rotates a cutting element (unnumbered) wherein the cutting element comprises at least one line;

Two unidirectional wheels (32, 34) attached to the base (head of trimmer 12);

A multidirectional wheel (122) attached to the base (head of trimmer 12);

A handle (unnumbered, upper handle in figures 1 and 2); and

A universal joint (40, see columns 4 and 5, lines 65-2) connecting the handle to the base (head of trimmer 12), as per claim 1; and

Wherein the base (head of trimmer 12) comprises a recess (unnumbered, see figure 1), as per claim 2; and

Wherein the universal joint (40) comprises:

A handle couple attached (50) to the handle (unnumbered, upper handle);

A link (46) rotatably attached to the handle couple (50); and

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A bracket (47) rotatably attached to the link (46) and attached to the base (head of trimmer 12), as per claim 4.

4. In regards to claims 11-17, Cartier discloses a trimmer comprising:

A rotating line cutting device (12);

A handle attachment element (40) attached to the rotating line cutting device (12) wherein the handle attachment element (40) comprises a first pivot (along 46) and a second pivot (along 54) wherein the first pivot point and the second pivot are capable of pivoting simultaneously; and

A handle (36) attached to the handle attachment element (40) wherein the handle attachment element (40) is capable of transmitting rotation from the handle (36) to the rotating line cutting device (12), as per claim 11; and

Further comprising two unidirectional wheels (32, 34), as per claim 12; and

Further comprising a multidirectional wheel (122), as per claim 13; and

Wherein the rotating line device (12) comprises a base and a motor (unnumbered) attached to the base and wherein the motor rotates a line (unnumbered), as per claim 14; and

wherein the handle attachment element (40) is a universal joint (see columns 4 and 5, lines 65-2) , as per claim 15; and

wherein the first pivot (46) and the second pivot (54) are not parallel, as per claim 16; and

wherein the first pivot (46) and second pivot (54) are perpendicular, as per claim 17.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cartier in view of Savell.

Cartier discloses the device as applied to claim 1 above. However, Cartier fails to disclose a lower grip attached to the handle.

Savell discloses wheeled trimmer with a lower grip attached to the handle (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the lower grip of Savell on the handle of Cartier in order to reinforce handling of the trimmer.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cartier in view of Mizobata.

The device is disclosed as applied to claim 1 above. However, Cartier fails to disclose wherein the motor is an electric motor.

Mizobata discloses a similar tool wherein the motor is an electric motor.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the electric motor of Mizobata on the device of Cartier in order to provide efficient power.

8. Claims 6-9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swisher et al., hereafter Swisher, in view of Winslow.

Swisher discloses a rotating line trimmer comprising:

A base comprising a front (7) and a rear (22);

A motor (6) driven rotating line cutter element (8) attached to the base;

Two unidirectional wheels (3, 4) attached to the front of the base;

A multidirectional wheel (47) attached to the rear of the base, as per claim 6.

However, Swisher fails to disclose a handle attached to the rear of the base with a dual pivoting joint capable of transmitting rotation from the handle to the base, as per claim 6; and

Wherein the dual pivoting joint comprises a first pivot and a second pivot, as per claim 7; and

Wherein the first pivot and the second pivot are not parallel, as per claim 8; and

Wherein the first pivot and the second pivot are perpendicular, as per claim 9.

Winslow discloses a manually operated tool wherein the handle (10) is attached to the rear of the base (1) with a dual pivoting joint (see figure 4) capable of transmitting rotation (see column 1, lines 15-20) from the handle (10) to the base (1), as per claim 6; and

Wherein the dual pivoting joint comprises a first pivot (13) and a second pivot (15), as per claim 7; and

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Wherein the first pivot (13) and the second pivot (15) are not parallel, as per claim 8; and

Wherein the first pivot (13) and the second pivot (15) are perpendicular, as per claim 9.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the pivoting joint of Winslow on the trimmer of Swisher in order to effect rotational movement of the tool by twisting or rotating the handle.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swisher and Winslow as applied to claim 6 above, and further in view of Mizobata et al., hereafter Mizobata.

The device is disclosed as applied to claim 6. However, the combination fails to disclose wherein the motor is an electric motor.

Mizobata discloses a similar tool wherein the motor is an electric motor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the electric motor of Mizobata on the device of Swisher and Winslow in order to provide efficient power.

Conclusion

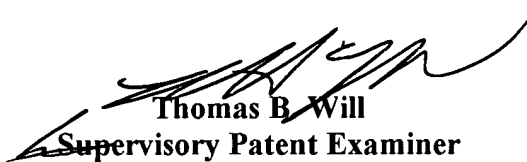
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art has been cited as of interest: Dunn et al., Flinchbaugh et al., Goodall, Haseloff, Rasmussen et al., Zint, and Edwards have been cited for their wheel configurations; Jung et al., De Buigne, Rasmussen et al., and Zint have been cited for the connections between the handles and the tools.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
January 21, 2004